

Trombley

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

03 JUN 30 2008 AM 11:26

UNITED STATES OF AMERICA,

Magistrate Docket No.

08 MJ 1995

ECL

Plaintiff,

BY:

v.

COMPLAINT FOR VIOLATION OF: DEPUTY

Juan MENDOZA-Resendez,

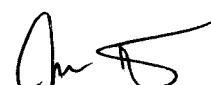
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **June 28, 2008** within the Southern District of California, defendant, **Juan MENDOZA-Resendez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY OF JUNE, 2008



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

TKM

CONTINUATION OF COMPLAINT:
Juan MENDOZA-Resendez

PROBABLE CAUSE STATEMENT

On June 28, 2008, Border Patrol Agent R. Moore was assigned to line watch duties in the Chula Vista Border Patrol's area of operations. At approximately 6:02 PM, Agent Moore responded to a seismic intrusion device in an area known as the "80 Highpoint." This area is located approximately four miles east of the Otay Mesa, California Port of Entry and approximately one mile north of the United States/Mexico International Boundary.

While responding to the location, Agent Moore encountered an individual walking north. Agent Moore identified himself as a United States Border Patrol Agent and questioned the subject as to his citizenship and nationality. The individual, later identified as the defendant **Juan MENDOZA-Resendez**, admitted to being a citizen and national of Mexico without any immigration documents that would allow him to be in or remain in the United States legally. Agent Moore placed MENDOZA under arrest and had him transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on November 17, 2006 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights. The defendant stated that he understood his Miranda Rights and was willing to answer questions without an attorney present. The defendant stated that he illegally entered the United States and is a citizen and national of Mexico, without any immigration documents that would allow him to be in and stay in the United States legally.